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OFFICE OF PETITIONS

In re Application of :
Nishihara et al. :
Application No 10/717487 :
Filing or 371(c) Date: 11/21/2003 : DECISION
Attorney Docket Number: 025720-00017 : ON PETITION

This is a decision in response to the Request to Withdraw the Holding of Abandonment, filed January 19, 2007. The petition is properly treated under 37 C.F.R. 1.181.

This Petition is hereby granted.

Background

The above-identified application became abandoned for failure to timely/properly reply to the Notice of Allowance and Issue Fee Due (Notice), mailed September 15, 2006. The Notice set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on December 16, 2005. A Notice of Abandonment was mailed January 8, 2007.

With the present petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2817 for re-mailing of the Notice of Allowance and Issue Fee Due and Notice of Allowability.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

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